

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814
(916) 322-3141



April 10, 1981

ALL-COUNTY LETTER NO. 81-39

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: CUBAN/HAITIAN ENTRANT PROGRAM

REFERENCE: ALL-COUNTY LETTER NO. 81-17; DSS TELEGRAM JANUARY 16, 1981; DSS
TELEGRAM NOVEMBER 4, 1980; DSS TELEGRAM JULY 10, 1980; DSS
TELEGRAM MAY 19, 1980

The purpose of this letter is to provide advance notice instructions for implementation of the Cuban/Haitian Entrant Program (CHEP) in accordance with federal policies and instructions issued under the authority of Title V (Fascell-Stone Amendment) of the Refugee Education Assistance Act of 1980 (Public Law 96-422, October 10, 1980).

Background

The Refugee Education Assistance Act of 1980 provides for the establishment of a refugee-type public assistance program to assist all Cubans and Haitians admitted to the United States as nonrefugees/nonasylees/nonimmigrants. Upon receipt of federal instructions, DSS submitted estimates of funding needs for Federal Fiscal Year 1981. Allocations awarded to date appear to be sufficient to fully fund this program through the State Fiscal Year ending June 30, 1981.

The Department has received necessary legislative authorization to implement this program and has filed regulations with the Office of Administrative Law for emergency adoption. The proposed emergency regulations are attached; however, do not implement this program until SDSS notifies counties that the proposed regulations have been approved. This letter is being provided at this time to enable counties to prepare for prompt program implementation. The following definitions are provided to assist CWDs in determining eligibility under CHEP.

Program Criteria

As under IRAP, CHEP will provide reimbursement for the normal nonfederal share of assistance costs for entrant recipients of SSI/SSP and AFDC. For entrants who do not meet the categorical requirements of SSI/SSP or AFDC, CHEP provides for a special refugee-type cash assistance program to be known as Entrant Cash Assistance (ECA).

Persons Eligible

The following definitions are provided pursuant to the terms of MPP 69-303.13 and shall govern eligibility for CHEP:

1. Cuban/Haitian Entrants are:

- a. Cubans who arrived in the United States between April 21, 1980 and October 10, 1980 who possess an INS Form I-94 indicating: Cuban/Haitian Entrant (Status Pending) Reviewable January 15, 1981 or July 15, 1981. (These are the persons defined in general terms in MPP 69-303.11.)
- b. Haitians who arrived in the United States at any time prior to and including October 10, 1980 who possess an INS Form I-94 indicating: Cuban/Haitian Entrant (Status Pending) Reviewable January 15, 1981 or July 15, 1981. (These are the persons defined in general terms in MPP 69-303.11.)

2. Cubans and Haitians who arrived in the United States since October 10, 1980 are those individuals from Cuba or Haiti who possess an INS form indicating any nonrefugee/nonasylee/nonimmigrant current status. Individuals possessing expired status, except for the Cuban/Haitian Entrant (Status Pending) category, must be referred to INS for status adjustment or extension to become or remain eligible for benefits. Cubans and Haitians who arrived in the United States since October 10, 1980 are not eligible for the AFDC Program while they are in pending status, nor are they eligible for the INS category of Cuban/Haitian Entrant (Status Pending); however, these individuals shall be known as Cuban/Haitian Entrants for purposes of CHEP. (These are the persons defined in general terms in MPP 69-303.12.)

3. Cubans and Haitians who are now permanent resident aliens as indicated by an INS Form I-151 or I-551 (Resident Alien forms), who previously held one of the statuses outlined in 1 and 2 above are eligible for assistance under CHEP; however, the applicant must provide sufficient documentation to substantiate that he/she held one of the above statuses prior to the adjustment of his/her status to that of resident alien. An example of such documentation would be a photocopy of an I-94 form previously held which meets one of the status requirements, documentation available in county/state records or documentation provided by a voluntary resettlement agency (VOLAG).

4. Cubans and Haitians who have been granted asylum under Section 208, paroled as refugees or admitted as refugees under Section 207 of the Immigration and Nationality Act (INA) are not eligible for assistance under CHEP. These individuals must apply for assistance as refugees under IRAP regulations (MPP Section 69-200).

Eligibility Limits

Persons admitted to the United States as Cuban/Haitian Entrants will be ineligible for CHEP (cash or Medi-Cal) assistance after 36 months of United States residence beginning with the month and year of entry into the United

States. Unaccompanied minors are not subject to the 36-month time limitation of CHEP. Unaccompanied minors will remain eligible until they attain the age of majority.

Aid and Payment Codes

Aid Code 08 shall be assigned to Cuban/Haitian entrants, including unaccompanied minors, receiving ECA (Cubans and Haitians not eligible for SSI/SSP or AFDC) under CHEP. Cuban/Haitian entrants who meet AFDC eligibility criteria or who meet Medi-Cal only criteria should continue to be assigned the appropriate AFDC or Medi-Cal only aid code. SDSS Financial Management Services Branch is currently developing claiming instructions that will address AFDC cases made up of time-eligible Cuban/Haitian entrants and nonentrants. These instructions will be issued as soon as possible. Until these instructions are received, separately identify the time-eligible entrants apart from other persons in the Family Budget Unit (FBU).

Reporting Requirements

In order to collect required characteristic and other identifying information on Cuban and Haitian Entrants, CWDs shall initially complete a Form CA 6 for each Cuban and Haitian Entrant in an approved cash assistance case (AFDC or ECA). Complete the CA 6 at intake or redetermination (one-time only), and add the following information on the upper right of the reverse side: the VOLAG which assisted in initial resettlement; primary language; place (county and state) of initial resettlement; and date of arrival in California. A copy of completed CA 6 forms must be sent to SDSS, ORS, 744 "P" Street, M.S. 4-100, Sacramento, CA 95814. Forms may be batched and sent at the end of each month. Please label the package "ENT".

A refugee management information and tracking system, which will include Cuban and Haitian entrants, is currently being designed by SDSS, Statistical Services Branch. Upon implementation, CWDs will be required to complete the appropriate data collection form on each new applicant and household member receiving CHEP assistance and services. It is anticipated that the new form will be required on Cuban and Haitian entrants either after approval if the application is for new cases or at the time of redetermination for continuing cases whether or not an interim CA 6 was completed in order to obtain complete information for the refugee/entrant tracking system. Questions regarding this reporting process should be addressed to Kathy Buford at (916) 323-2339.

The Department of Health Services advises that the Refugee Tracking System has been expanded to allow for claiming of Entrant medical assistant costs. As in the case with Refugee Cash Assistance eligibles, counties are not required to report ECA eligibles to this System, as long as the county issues Medi-Cal cards under ECA aid code 08. The regular Medi-Cal CID/MEDS system will be used to track eligibility and costs for these persons. Counties currently unable to issue Medi-Cal cards under ECA aid code 08 are to use Medi-Cal Only aid codes 82 or 84, and are to notify DHS in writing of their intent. ECA eligibles placed in Medi-Cal Only aid codes must be reported to the Department on the Refugee Cross Reference Transaction, Form MC 255. In addition, all counties are to report AFDC eligible and Medi-Cal Only eligible Cuban/Haitian Entrants to DHS on the MC 255 or EDP equivalent. The "refugee indicator" 8 has been assigned to

the Cuban/Haitian Entrant category, and is to be used to identify all such persons. DHS will provide counties with a revised Medi-Cal Eligibility Manual Procedures Section 5F in the near future, which will bring together prior instructions.

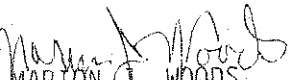
Implementation Instructions

Do not implement this program until approval from SDSS has been received. There is no retroactive eligibility for ECA benefits; however, retroactive reimbursement for assistance previously provided entrants will be addressed in fiscal claiming instructions to be issued as soon as possible. The beginning date of aid rules under MPP Section 44-317 shall apply.

A CWD Notice of Action is required by MPP 22-021.11 for ECA case approvals, and shall include the following statement: "Entrant Cash Assistance is provided under a specially funded federal program which limits the eligibility period to 36 months from the individual's month and year of entry into the United States. Therefore, eligibility to this program will expire for any individual who has lived in the United States for more than 36 months, or sooner if federal funding for this program is withdrawn. You will receive a Notice of Action approximately 10 days before you become ineligible for further assistance".

These instructions shall become effective upon notification by SDSS. Questions regarding policy issues should be directed to SDSS, Office of Refugee Services at (916) 322-3141. Questions regarding Medi-Cal issues should be directed to your Medi-Cal Program Consultant.

Sincerely,


MARION J. WOODS
Director

cc: CWDA
DHS

Attachment

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

Adopt new Sections 69-300 and 69-301.

69-300 CUBAN/HAITIAN ENTRANT

PROGRAM

69-300

69-301 GENERAL STATEMENT

69-301

In accordance with Title V (Fascell-Stone Amendment) of the Refugee Education Assistance Act of 1980 (Public Law 96-422, October 10, 1980), there is hereby established a Cuban/Haitian Entrant Program (CHEP) to provide eligible Cubans and Haitians with medical assistance, cash assistance, and social services. Eligibility for this program will expire for any individual who has lived in the United States for more than thirty-six (36) months, or sooner, for all such individuals if federal funding for this program is withdrawn.

CHEP is separate and apart from the Indochinese Refugee Assistance Program (IRAP) and Cuban Program Phasedown, however, the objectives, administration, program eligibility criteria and case maintenance policies are identical to those of the IRAP. There is a Special Cash Assistance Program within CHEP for Cuban and Haitian Entrants known as Entrant Cash Assistance (ECA). Eligibility criteria for ECA benefits shall be the same as those outlined in IRAP regulations, MPP Chapter 69-200, except that the definition of a refugee is not applicable to CHEP or ECA.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

69-301 GENERAL STATEMENT (Continued)

69-301

All current AFDC Program regulations apply unless superseded by
the Entrant Cash Assistance Program regulations contained in the
following instructions.

Authority: Welfare and Institutions Code Sections 10553 and
10554.

Reference: Public Law 96-422.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

ADOPT NEW SECTION 69-303

69-303 DEFINITION OF CUBAN/HAITIAN ENTRANTS AND TERMINOLOGY

69-303

69-303.1 DEFINITION OF CUBAN/HAITIAN ENTRANTS

- .11 Cuban/Haitian Entrants (Status Pending) as authorized
by section 501(e) (1) of P.L. 96-422.
- .12 Cubans and Haitians who have arrived in the United
States since October 10, 1980 and have been released
to community sponsors pursuant to INS regulations and
otherwise qualify under section 501(e)(2) of P.L. 96-422.
- .13 County welfare departments shall use the more specific
definitions and documentation requirements furnished
by the Department of Social Services, as received from
the Office of Refugee Resettlement.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11386.1)

69-303 DEFINITION OF CUBAN/HAITIAN ENTRANTS AND TERMINOLOGY (CONTINUED) 69-303

69-303.2 DEFINITION OF TERMINOLOGY

.21 Entrant Cash Assistance (ECA)

The term ECA refers to the federally-funded program of cash assistance which is available to Cuban or Haitian Entrants who do not meet the categorical requirements of other state/federal cash assistance programs (Federal AFDC or SSI/SSP).

AUTHORITY: Welfare and Institutions Code Sections 10553 and 10554.

REFERENCE: Public Law 96-422.

ADOPT NEW SECTION 69-317.

69-317 CASE RECORDS

69-317

.1 Case Numbers - General

All Entrant Cash Assistance cases, including those for unaccompanied minors, shall be designated with the aid code 08.

AUTHORITY: Welfare and Institutions Code Sections 10553 and 10554.

REFERENCE: Public Law 96-422.

DO NOT WRITE IN THIS SPACE